

EXHIBIT A

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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 Funai Electric Company, Ltd.,
25 Plaintiff,

26 vs.

27 Daewoo Electronics Corporation, Daewoo
28 Electronics Company, Ltd., Daewoo
Electronics America, Inc., Daewoo
Electronics Corporation of America, Inc.,
and Daewoo Electric Motor Industries,
Ltd.,

Defendants.

Case No. C 04-1830 CRB (JL)

**FUNAI ELECTRIC CO., LTD'S REPLY TO
DAEWOO ELECTRONICS CORP., ET AL.'S
LETTER TO JUDGE BREYER REGARDING
SUPPLEMENTAL RECENT AUTHORITY
REGARDING CLAIM CONSTRUCTION**

Judge: Honorable Charles R. Breyer

1 On January 18, 2006, this Court entered an order directing the parties to answer certain
2 questions at the *Markman* hearing. Order Re: Markman Hearing [D.I. 225, entered January 18,
3 2006] (the “Order”). After the hearing, Defendants filed Daewoo Electronics Corp., et al.’s Letter
4 to Judge Breyer Regarding Supplemental Recent Authority Regarding Claim Construction [D.I.
5 228, filed January 26, 2006] (the “Letter”), that purports to answer question one of the Order.

6 Question one of the Order asks Defendants:

7 Assume that “comprising . . . a” commonly means “one or more”
8 when used to describe an element or list of elements in a claim
9 term. *Is there case law in the Federal Circuit that addresses*
10 *whether that common meaning is altered if another element is*
modified by “at least one” or another modifier that indicates a
quantity greater than one?

11 Order at 1:22-26. Defendants' letter contends that *Norian Corp. v. Stryker Corp.*, 432 F.3d 1356
12 (Fed. Cir. 2005) is such a case. It is not.

13 *Norian* does not address whether the common meaning of the phrase “comprising . . . a”
14 may be altered by other claim language because the language “comprising . . . of” was not in the
15 claim under consideration. Rather, *Norian* interprets a claim that includes the phrase “consisting
16 of.” *Norian*, 432 F.3d at 1357. This phrase has the opposite common meaning to “comprising . . .
17 a” which commonly means “one or more.” In particular, in *Norian*, the Court notes that “a” is
18 generally interpreted in “its singular sense, when, as in this case, it has been used in conjunction
19 with the closed transitional phrase ‘consisting of.’” *Id.* at 1359. Accordingly, the answer to the
20 Court's question one is that Defendants have not found any case law where a claim that uses the
21 language “comprising . . . a” is limited to one and only one for the reasons argued by Defendants.

22 *Norian* is also inapposite because the Court found in that case that a singular interpretation
23 of “a” was “consistent with the specification, as the district court ruled.” *Id.* In the current
24 matter, however, Plaintiff has shown that the specification and the supporting figures are
25 consistent with the broader “one or more” interpretation. See Pl.’s Opening Claim Construction
26 Br. at 20-23 [D.I. 110, filed July 21, 2005] and Pl.’s Reply In Support Of Its Opening Claim
27 Construction Br. at 11-13 [D.I. 130 filed August 24, 2005].
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1 Given that Defendants can find no support in *Norian* – or in any other case – to support
2 Defendants' interpretation of "comprising ... a capacitor," the Court should adopt the generally
3 accepted broad definition of "one or more" that is supported by the specification of the '218
4 patent.

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6 Dated: February 8, 2006

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